

(8-page, Court-Ordered Complaint)
In The United States District Court
For The District Of Colorado

Case # 18-cv-01869-RBJ-SKC

John Clark Bridges, Plaintiff,

v.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 08 2019

JEFFREY P. COLWELL
CLERK

United States,
Frank Berg, and
John Doe, Defendants.

Third Amended Complaint

A. Plaintiff Information

John Clark Bridges #01949-122, U.S. Penitentiary
ADMAX, P.O. Box 8500, Florence, CO. 81226.
A/K/A Jesus Christ Beelzebub, A/K/A Almighty
God Satan. Convicted & sentenced state prisoner in
federal custody.

B. Defendants Information

Defendant One: United States (defendant acted under
color of state or federal law) (for FTCA claim).

Defendant Two: Correctional officer, Frank Berg,
employed at the Federal Correctional Complex —
Florence, 5880 HWY 67 South, Florence, CO. 81226.
Sued in his individual capacity (defendant acted under
color of state or federal law) (for Bivens claim).

Defendant Three: Lieutenant, John Doe (name unknown to plaintiff), employed at the Federal Correctional Complex - Florence, 5880 Hwy 67 South, Florence, CO. 81226. Sued in his individual capacity (defendant acted under color of state or federal law) (for Bivens claim).

C. Jurisdiction

Judge Babcock struck my original assault & battery claim based on 28 U.S.C. § 2680(h). However, the Court erred because the aforementioned law provides a general exception to the United States' waiver of sovereign immunity for claims arising out of assault and battery. This exception is known as the "law enforcement proviso." I therefore assert jurisdiction pursuant to 28 U.S.C. § 1333, §§ 2671-2680, and Millbrook v. United States, 569 U.S. 50, 52-53 (2013) (allowing FTCA assault claim against BOP correctional officers) (for FTCA assault & battery claim).

The Court rightfully construed my claim as excessive force, however, it should've been construed (originally) as assault & battery under the FTCA's "law enforcement proviso" (caused by Court error). Therefore I wish to proceed with my original claim of assault & battery. To proceed with the excessive force claim would cause undue prejudice, because I exhausted administrative remedies via the SF-9S procedure for tort claims (hence, my assault & battery claim has been fully grieved); also, no prisoner has been awarded monetary damages from a Bivens claim in almost 40 years (so it would be silly for me to take the excessive force claim over assault & battery). It would be a miscarriage of justice for the Court to deny me the right to proceed with a lawful claim.

of assault & battery. I understand that some judges frown on prisoners filing assault claims under the FTCA. However, that doesn't give them the right to circumvent the law (to prevent prisoners from doing so). I therefore assert jurisdiction pursuant to 28 U.S.C § 1337 (supplemental jurisdiction) and Bivens, 403 U.S. 393-97 (Bivens is for both money damages and injunctive relief) (for Bivens claim[s]).

I have asserted jurisdiction for both FTCA and Bivens claims (making this a "mixed-case"). "Bivens claims were not foreclosed by judgment bar rule under [the FTCA] because those claims could not have been brought under [the FTCA]." Pesnell v. Arsenault, 543 F.3d 1038 (2008, CA9 Cal). Also, "Statute does not preclude Bivens claims raised in same action as FTCA claim." Kreines v. U.S., 959 F.2d 834, 92 (1992, CA9 Cal). As for the supplemental jurisdiction I asserted for my Bivens claim (in conjunction with Bivens), "the district courts ~~shall~~ have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution" 28 U.S.C. § 1337. This means the court thus has jurisdiction over any state or federal claims which revolve around the same operative facts or derive from a common nucleus of operative fact.

D. Statement Of Claims

Claim One: Assault & Battery (FTCA claim)

On February 28, 2018, at approximately 2:00 a.m., six correctional officers (including one lieutenant) knocked me down during an improper cell extraction

that was not videotaped (recorded), while I was lying on the floor on my stomach with my hands cuffed behind my back, not resisting officers, Defendant Berg (who weighs approx. 240 pounds) stamped on my leg shackle (on my left leg) four times. He's the one who shackled my legs. He shackled my legs differently, placing the shackle on my left leg around the lower calf, while my right leg was shackled at the ankle (where it's supposed to be). There's officers who use that technique (i.e., stamping on a high-placed shackle) to inflict pain without breaking the leg (because it can absorb more pain than an ankle). The fact that he incorrectly shackled my left leg, prior to standing up and stamping on it, shows that he had an ulterior motive for doing so; he placed the shackle there with the intention of stamping on it (to inflict pain and cause injury). I didn't do anything to provoke Defendant Berg's use of force against me, therefore, it was done maliciously & sadistically for the very purpose of causing harm.

Defendant Berg's unprovoked acts of intentional violence suggest by their very nature that he was aware of their danger and acted recklessly, without regard for the consequences (i.e. the physical harm such actions cause). Therefore his actions were purposefully committed to inflict pain and injury, as defined by the "willful and wanton" ~~intentional~~ stipulation in the CGIA. See Colo. Rev. Stat. § 24-10-110(s)(a)-(b). Defendant Berg's use of force damaged the nerve running from my hamstring to my toes, causing my foot to go numb when I walk. Nerve damage is irreparable. ~~Irreparable damages~~

~~Irreparable damages~~ are not easily ascertainable. I sent several medical requests to the prison's doctor following the assault and received no response. When the medical technician saw me after the assault, he asked me if I was injured, and I told him that I couldn't tell

because I was numb from the overly-tight cuffs (and shackles); I didn't realize the extent of my injury at that time (while I was in restraints). Had the doctor responded to my medical requests, I could've (possibly) seen a neurologist (outside of prison). Due to the prison's substandard healthcare, I believe that's out of the question at this point in time (since the ~~the~~
~~the~~ bruising went away). The nerve damage does affect the quality of my life and I believe I'm entitled to monetary damages for the pain & suffering it's caused me. I believe \$6,000 is fair, because I'd sue for 10 times that amount if I wasn't in prison. This is a rock solid case and if I had a lawyer I'd win. However, a pro se prisoner plaintiff doesn't stand a chance of winning in federal civil court, and everyone knows it. That's why the Court doesn't let prisoners have appointed counsel. And if you don't believe that, give my Court-appointed attorney (Kent M. Morrow) permission to handle this case, and see how it goes. It only took 2 weeks for the State (N.D.) Court to appoint me a lawyer in two civil PCRA cases (#08-2019-CV-00166 and #08-2019-CV-00258). I'm mentally disabled and I can't even get a guardian ad litem, much less, an attorney (in this court). So do what you do and find some crazy reason to throw this case out. This'll be my third strike under the PLRA (thanks to you fine judges) so you can declare a victory. Dirty cops, judges, and prison guards. You better pray there's no Hell, cause I'll see you there. I am Jesus Christ, the devil manifest (in the flesh) (also, in spirit). See U.S. district - N.D., case #18-cv-00219-CRH, document #16 "exhibits J1, J2, J3". You will pray for the rocks of the mountain to fall on you. "Fall on us, and hide us from the face of him that sitteth on the throne, and from the wrath of [Jesus] the Lamb" (Rev. 6:16). "Jesus Christ shall be revealed in flaming fire [taking

Vengeance on them] with everlasting destruction" (2nd Thes. 1:7-9). "They shall be tormented with fire and brimstone in the presence of the holy angels, and in the presence of [Jesus] the Lamb" (Rev 14:10). "Fear him which is able to destroy both soul and body in hell" (Mat. 10:28). I "shall baptize you... with fire" (Mat. 3:11, Luke 3:16). "Think not that I am come to send peace on earth... I came not to send peace, but a sword" (Mat. 10:34). I am the Jewish messiah, the Christian Christ, and Islam's Al-Mahdi. I am the living personification of God on earth; the manifest son of the sun. You call me Beelzebul because you don't know any better. My real name is Baal-Zebul ("Lord of Hosts") (as in the Lord of lords in the host of heaven; the most powerful sky-god). The Syrians called me El-gebal and the Romans called me Sol Invictus. They worshipped me as a black stone/meteorite because I was thought to have come from the sun. That's why Muslims mounted the "black stone" on the corner of the Kaaba, and why Christians refer to Jesus as the "corner stone" and "sun of righteousness".

You fashioned me after the Persian god of light, Mithra (born on December 25th, rose on the 3rd day, had 12 disciples), to revamp the old religion. The Romans named me Jesus after the Phoenician word "jez" (which means sun). I was never crucified on a cross, and I was never called by that name (prior to Christianity). Christianity is a designer religion that's based on esoteric (hidden) knowledge. The tree of knowledge in the midst of the Garden of Eden is the tree of life in the midst of the paradise of God, and I Jesus Christ (the serpent) give to eat of the tree. The serpent and tree refers to your genealogical tree and the knowledge that comes from it (which I call psychogenesis). You can't have good without evil, that's why Jesus and Satan are two sides of the same coin (they're both the same old God).

Claim Two: Failure To Intervene (Bivens, ^{8th Amend.} Claim)

Lieutenant John Doe supervised the improper cell extraction (described in "claim one"). He failed to intervene and stop his subordinate officer (Frank Berg) from injuring me. He was ~~within~~ reaching distance of officer Berg and could have easily grabbed him by the shoulder, or, simply told him to stop. Therefore, he had a realistic opportunity to step forward to prevent the assault from occurring, and prevent his subordinate officer from violating my rights. The fact that he didn't, shows that he was complicit. He would have known that officer Berg's actions were reckless and dangerous (to me) because those actions go against BOP procedure. Therefore lieutenant John Doe is liable for failing to intervene. The assault claim was previously construed as ^{8th Amend.} excessive force; that's usually in conjunction with failure to intervene claims, however, the jurisdiction and circumstances in this case should qualify it to be in conjunction with the assault (under supplemental jurisdiction). Non-defendant witnesses (for both claims), include: C. Zimmermann and J. Dye (two of the six officers); inmate Banks (cell 4); inmate John Doe #1 (cell 1); and, inmate John Doe #2 (cell 2) (C-Unit, C-Range - lower); also, range video from that range (2 cameras per range - front & back). The video will show them entering my cell (cell 3) and exiting ^{the} cell with me. The inmates could see the whole thing through the reflection in the recreation room window across from the cells. The officers will know the name of the lieutenant, etc. Plus, officer Zimmermann wrote me up for tying the bars shut, which initially led to the cell extraction. ~~All~~ ^{All} ~~of~~ ^{of} the officers who participated in the cell extraction witnessed the assault (whether they admit it or not).

E. Previous Lawsuits

Only 2 prior lawsuits in any court, both dismissed for "failure to state a claim" and appeal denied (two PLRA strikes so far - the appeal denials didn't count).

Bridges v. Fernandez, et al #18-cv-03206-RBT-SKC (Denied appeal for failure to prosecute), and Bridges v. BOP, et al #18-cv-00494-LTB (Appeal denied by district court and affirmed denial by appellate court). See more info at part "E" in Complaint (Doc. #1).

F. Administrative Remedies

I exhausted administrative remedies. See more info at part "F" in complaint (Doc. #1).

G. Request For Relief

I request \$6,000 in monetary damages. See "claim one" for more info. I am entitled to relief.

H. Plaintiff's Signature

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and the information in this complaint is true and correct. Furthermore, I also certify that this complaint complies with the requirements of Fed. R. Civ. P. 11. (and this is a court-ordered complaint too).

John Clark Bridges, Plaintiff Pro Se

April 3, 2019

FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 8000
FLORENCE, COLORADO 81226

DATE: 4/4/91 M.B.

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